

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

KEVIN LEE RITCHIE

PLAINTIFF

v.

Civil No. 2:17-CV-02180

SHERIFF RON BROWN and CAPTAIN
HALBERT TORRANCE

DEFENDANTS

ORDER

Plaintiff proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's failure to obey a Court Order (ECF No. 3) and failure to prosecute this case.

I. BACKGROUND

Plaintiff filed his Complaint on October 4, 2017. (ECF No. 1). Due to deficiencies in the Complaint, the Court entered an Order on October 4, 2017 directing Plaintiff to file an Amended Complaint by October 20, 2017. (ECF No. 3). On October 12, 2017, mail sent to Plaintiff, including the Order, was returned as undeliverable, stating Plaintiff was no longer incarcerated at the Crawford County Detention Center. Plaintiff has not provided a current address or otherwise communicated with the Court since filing his Complaint.

II. LEGAL STANDARD

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district

court has the power to dismiss an action based on “the plaintiff’s failure to comply with *any* court order.” *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

III. ANALYSIS

Plaintiff has failed to keep the Court apprised of his current address as required by Local Rule 5.5(c)(2). Plaintiff has failed to comply with a Court Order. Plaintiff has failed to prosecute this matter. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2), Plaintiff’s Complaint should be dismissed without prejudice for failure to comply with the Court’s Local Rules and Orders and failure to prosecute this case.

For these reasons, IT IS ORDERED that Plaintiff’s claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 15th day of December 2017.

/s/ P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE